

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 DHA-02 IO-13 /070 W

-----021456 011033Z /23

P 010943Z JUN 77

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 1855

C O N F I D E N T I A L MANILA 10189

E.O. 11652: GDS

TAGS: SHUM, PINT, RP

SUBJECT: AQUINO CASE

REF: MANILA 10026

SUMMARY: SENATOR AQUINO HAS WRITTEN TO PRESIDENT MARCOS PROTESTING PUBLICIZING OF THEIR JUNE 21 CONVERSATION AND FAILURE OF GOP OFFICIALS MEET WITH HIS LAWYERS AS MARCOS PROMISED. SENATOR SALONGA AND MRS. AQUINO ARE MEETING WITH FOREIGN PRESS REPRESENTATIVES THIS AFTERNOON TO DISTRIBUTE LETTER. AQUINO FAMILY WILL ATTEMPT TO GET PRESS CARRY COPY OF LETTER EITHER AS NEWS ITEM OR PAID ADVERTISEMENT. SENATOR SALONGA SAYS THERE IS DISAGREEMENT AMONG AQUINO'S LAWYERS ON WHAT TACK TO TAKE JULY 6, BUT HE IS ADVISING THAT MILITARY LAWYER REQUEST ACQUIT TAL AND THEN ASK THAT CASE BE TRANSFERRED TO SUPREME COURT WITHOUT COMMISSION RENDERING VERDICT.

END SUMMARY.

1. ON JULY 1, SENATOR SALONGA INVITED EMBOFF TO LUNCH TO PROVIDE HIM COPY OF LETTER AQUINO IS HAVING DELIVERED TO PRESIDENT MARCOS THIS AFTERNOON, JULY 1. SALONGA SAID LETTER WAS DRAFTED BY PANEL OF LAWYERS WORKING ALL DAY YESTERDAY AND LAST NIGHT. LETTER BEGINS BY  
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COMPLAINING THAT MARCOS A) VIOLATED "MAXIMUM CONFIDENTIALITY" HE HAD PROMISED JUNE 21 BY HAVING TATAD HOLD PRESS CONFERENCE JUNE 27; B) FAILED TO KEEP HIS PROMISE TO HAVE SECRETARY ENRILE AND SOLICITOR GENERAL MENDOZA MEET WITH HIS (AQUINO'S) LAWYERS TO STUDY TRANSFER OF CASE TO CIVIL COURT. AFTER REVIEWING MARCOS' CHARGES AGAINST HIM EVEN PRIOR TO MARTIAL LAW, AQUINO NOTES

THAT THERE IS NO WAY HE CAN RECEIVE JUSTICE FROM MILITARY TRIBUNAL. "FOR YOUR MILITARY TRIBUNAL TO ACQUIT ME IS TO HOLD YOU OUT AS A RUTHLESS TYRANT WHO HAD ME DETAINED WITHOUT ANY LAWFUL CAUSE FOR FIVE LONG YEARS. BUT FOR THEM TO CONVICT ME, AS THEY MUST, IS TO JUSTIFY THIS LONG PERIOD OF SOLITARY CONFINEMENT. I BELIEVE THAT IN YOUR MIND AND HEART YOU HAVE ALWAYS KNOWN THAT MY TRIAL BEFORE SUCH A MILITARY TRIBUNAL WOULD BE AN UNMITIGATED SHAM AND MOCKERY."

2. AQUINO ARGUES ISSUANCE OF PD 1165 DOES NOT REMEDY DEFECT OF HAVING HIM TRIED BY MILITARY TRIBUNAL. HE ASKS FOR A RECONSIDERATION OF DENIAL OF "MY BASIC HUMAN RIGHT TO A FAIR TRIAL." LETTER ENDS WITH QUOTES FROM PRESIDENT'S MEMORIAL DAY SPEECH AND JUNE 3 SPEECH TO FOREIGN CORRESPONDENTS ASSOCIATION PROCLAIMING HIS COMMITMENT TO HUMAN RIGHTS.

3. SENATOR SALONGA AND MRS. AQUINO ARE MEETING WITH FOREIGN PRESS THIS AFTERNOON AND WILL DISTRIBUTE COPIES OF LETTER. MRS. AQUINO AND AQUINO'S SISTER WILL GO PERSONALLY TO MAJOR NEWSPAPERS LATER IN DAY WITH COPY OF AQUINO LETTER, ASKING THAT PRESS GIVE IT SAME PLAY GIVEN MARCOS' LETTER OF JUNE 27. IF PAPERS REFUSE AS EXPECTED, AQUINOS WILL ATTEMPT TO HAVE LETTER INSERTED AS PAID ADVERTISEMENT OVER THE WEEKEND. THEY DO NOT ANTICIPATE CONFIDENTIAL

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ANY PAPER WILL RUN IT AND AQUINO WOULD USE THIS WHEN HE APPEARS BEFORE TRIBUNAL JULY 6.

4. SENATOR SALONGA TOLD EMBOFF THERE IS SOME DIVISION AMONG AQUINO'S LAWYERS. AT ALL-DAY SESSION JUNE 30, SOME OF AQUINO'S ADVISERS URGED HE MOVE AS QUICKLY AS POSSIBLE TO HAVE TRIBUNAL CONVICT HIM. THIS VIEW (HELD AMONG OTHERS BY FORMER SENATOR MITRA) IS OPPOSED BY SALONGA WHO FEELS OUTRIGHT CONVICTION COULD LEAVE PRESIDENT OFF THE HOOK. NOTING PARALLEL OF KIN DAE JUNG, SALONGA ARGUES CONVICTION WOULD ALLOW PRESIDENT TO DISMISS MATTER, WHILE DIRECT APPEAR TO SUPREME COURT UNDER PD 1165 PROVISIONS WILL MAINTAIN MOMENTUM IN CASE, AS WELL AS INTERNATIONAL INTEREST.

5. ACCORDING TO BOTH SALONGA AND MRS. AQUINO, SENATOR AQUINO BELIEVES HIS MEETING WITH PRESIDENT HAS HELPED HIS CAUSE IMMEASURABLY. IT INDICATES PRESIDENT STILL TAKES HIM SERIOUSLY AND IS EVEN PREPARED TO ISSUE SPECIAL PRESIDENTIAL DECREE TAILORED TO HIS NEEDS. AQUINO IS ALSO AWARE, HOWEVER, THAT HIS MEETING WITH MARCOS HAD ERODED HIS CREDIBILITY WITH HIS MORE "HIGH MINDED"

SUPPORTERS WHO RESENT FACT HE IS DEALING WITH MARCOS.  
IN THIS CONNECTION IT APPEARS THAT NEWSWEEK PERISCOPE  
ITEM RESULTED FROM INTENTIONAL LEAK BY SECRETARY TATAD  
TO NEWSWEEK CORRESPONDENT CAME AND THAT TATAD PRESS  
CONFERENCE WAS INTENDED TO SUGGEST THAT AQUINO WAS NOW  
ANXIOUS TO GET OUT NO MATTER WHAT HE HAD TO DO TO WIN  
HIS RELEASE.

6. COMMENT: BARRING LAST MINUTE CHANGE IN STRATEGY,  
WHICH IS ALWAYS POSSIBLE, WE WOULD ANTICIPATE AQUINO'S  
MILITARY LAWYER (WHO HAS NOT YET CONSULTED WITH SALONGA)  
WILL MAKE PLEA FOR ACQUITTAL JULY 6 AND POSSIBLY ASK  
FOR CASE TO BE SENT TO SUPREME COURT WITHOUT COMMISSION  
RENDERING VERDICT. WE ARE SENDING COMPLETE TEXT OF AQUINO  
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JULY 1 LETTER OT MARCOS SEPTTEL.  
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## Message Attributes

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